

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No. 09/913,690)	Group Art Unit: Unknown
)	
Filing Date: August 16, 2001)	Examiner: Unknown
)	
For: Method And Apparatus For Generating A)	Docket No.: 13189.138
Data Stream And Method And Apparatus)	
For Playing Back A Data Stream)	
)	
Inventor: Rump et al.)	

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence, along with all papers referred to as being enclosed or attached, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to PCT Legal Office, Box PCT, Assistant Commissioner for Patents, Washington, DC 20231.

August 16, 2002
Date

Elaine C. VonSpreckelsen
Elaine C. VonSpreckelsen

PCT LEGAL OFFICE
BOX PCT
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

This Request For Reconsideration is filed in response to the Notification Of A Defective Response mailed July 23, 2002. A copy of the Notification is enclosed. If the appropriate paper is a new Petition, then please consider this a Petition.

REQUEST FOR RECONSIDERATION

On page 2 of the Notification Of A Defective Response mailed July 23, 2002, the examiner states "That declaration is defective as it fails to list all of the inventors and their information, as required by 37 CFR 1.497(a)."

A revised Combined Declaration And Power Of Attorney that properly identifies each inventor and executed by Mr. Rump on July 2, 2002 is attached.

Since the document would be late without the allowance of the petition, this request for reconsideration of the petition is also being enclosed.

Since this is a situation the undersigned attorney has never before encountered, if

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everything needed to provide a filing date as of August 16, 2001 is not enclosed, please call the undersigned attorney.

For the reasons given above, the entrance of the instant application and its reconsideration is respectfully requested. It is believed no fee is due. If any fee is due, please charge it to Deposit Account No. 50-1848.

Respectfully submitted,
PATTON BOGGS LLP

By: 

Carl A. Forest, Registration No. 28,494

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UNITED STATES PATENT AND TRADEMARK OFFICE

13189.138 US

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023
www.uspto.gov

Carl Forest
Patton Boggs
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Louisville, CO 80027

In re Application of
RUMP, Niels, et al.
Application No.: 09/913,690
PCT No.: PCT/EP99/09980
Int. Filing Date: 15 December 1999
Priority Date: 16 February 1999
Attorney Docket No.: 13189.138

For: METHOD AND APPARATUS FOR
GENERATING A DATA STREAM AND
METHOD AND DEVICE FOR PLAYING
A DATA STREAM

Due Date: 8/23/02
Statutory Deadline: 4
Date Docketed: 7/31/02
Docketed by: [signature]
Sec: GCV [signature]
Atty: CAF

NOTIFICATION

OF A
DEFECTIVE RESPONSE

This is a notification in response to applicants' "Request For Reconsideration," filed in the United States Patent and Trademark Office (USPTO) on 14 June 2002.

BACKGROUND

On 15 December 1999, applicants filed international application PCT/EP99/09980, which claimed a priority date of 16 February 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 24 August 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 13 September 2000, within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 16 August 2001.

On 16 August 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 October 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of oath or declaration were required.

On 24 January 2002, applicants submitted a petition under 37 CFR 1.47, which was accompanied by, *inter alia*, a combined declaration and power of attorney executed by inventors Juergen Koller and Karlheinz Brandenburg.

On 08 April 2002, the Office mailed Decision On Petition Under 37 CFR 1.47(a) dismissing applicants' petition without prejudice.

On 14 June 2002, applicants submitted the instant "Request for Reconsideration," accompanied by a declaration signed by Niels Rump.

DISCUSSION

Petitions under 37 CFR 1.47(a) are to establish that a nonsigning inventor cannot be reached after a diligent effort or has refused to sign the declaration after being presented with a full set of the application papers. Applicants have located Mr. Rump and he has signed a declaration. That declaration is defective as it fails to list all of the inventors and their information, as required by 37 CFR 1.497(a).

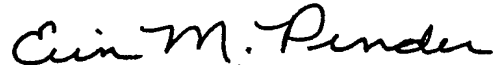
CONCLUSION

Applicants are required to submit an oath or declaration in compliance with 37 CFR 1.497(a)-(b) within a time limit of **ONE (1) MONTH** from the mail date of this Notification or within the time remaining in the response set forth in the Decision on Petition Under 37 CFR 1.47(a) mailed on 08 April 2002, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136(a), but the period for response set in the Decision on Petition may be extended up to a maximum of five months. **FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.** Any request for reconsideration of this decision should include a cover letter entitled "Response to Notification of Defective Response."

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the Office of PCT Legal Administration.



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